

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 298

Introduced by Assembly Member Bates

February 6, 2003

An act to add and repeal Section 56141 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as amended, Bates. Special education.

Existing law requires a school district, special education local plan area, or county office of education, in providing appropriate programs to individuals with exceptional needs residing in licensed children's institutions or foster family homes, to first consider services in programs operated by public education agencies for individuals with exceptional needs. If those programs are not appropriate, existing law requires special education and related services to be provided by contract with a nonpublic, nonsectarian school.

This bill would authorize, until July 1, 2009, the Orange County Department of Education to establish, on a pilot project basis, a program to provide opportunities for certain identified pupils to be educated in a less restrictive environment appropriate to the needs for *integrated* services for those pupils and to avoid placing those pupils in a nonpublic, nonsectarian school setting. The identified pupils would be those who are in licensed children's institutions or foster family homes and currently placed in a nonpublic, nonsectarian school program by school districts in the county but unable to be returned to an appropriate public school program. The bill would require the Superintendent of

Public Instruction to provide to the Orange County Department of Education funds per pupil participating in the program in an amount not to exceed the amount that would be received by a nonpublic, nonsectarian school for the same pupil.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56141 is added to the Education Code,
2 to read:

3 56141. (a) The Orange County Department of Education
4 may establish, on a pilot project basis, a program to provide
5 opportunities for pupils identified pursuant to subdivision (b) to be
6 educated in a less restrictive environment appropriate to the need
7 for *integrated* services for those pupils and to avoid placing those
8 pupils in a nonpublic, nonsectarian school setting.

9 (b) The Orange County Department of Education shall identify
10 pupils who are in licensed children's institutions or foster family
11 homes and currently placed in a nonpublic, nonsectarian school
12 program by school districts in the county but unable to be returned
13 to an appropriate public school program.

14 (c) Services provided to a pupil participating in the pilot
15 program that are provided according to the pupil's individualized
16 education program, including, but not limited to, psychotherapy,
17 mental health, residential, or other services provided under
18 Chapter 26.5 (commencing with Section 7570) of Division 7 of
19 Title 1 of the Government Code, shall be continued unless
20 otherwise agreed to by a review of the pupil's expanded
21 individualized education program team.

22 (d) The Superintendent of Public Instruction shall provide to
23 the Orange County Department of Education funds per pupil
24 participating in the pilot program established pursuant to this
25 section in an amount not to exceed the amount that would be
26 received by a nonpublic, nonsectarian school for the same pupil.
27 *If the funds provided to serve pupils in this pilot project exceed the*
28 *costs for serving pupils, the Orange County Department of*
29 *Education shall return the surplus funds to the Superintendent of*
30 *Public Instruction.*

1 (e) This section shall become inoperative on July 1, 2009, and,
2 as of January 1, 2010, is repealed, unless a later enacted statute that
3 becomes operative on or before January 1, 2010, deletes or extends
4 the dates on which it becomes inoperative and is repealed.

5 SEC. 2. The Legislature finds and declares that, because of
6 unique circumstances applicable to the County of Orange, a statute
7 of general applicability cannot be enacted within the meaning of
8 subdivision (b) of Section 16 of Article IV of the California
9 Constitution. Therefore, this special statute is necessary.

